DOCUMENTS RELATED to CUP 82-0611

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Annotations in colors other than black are the compiler's personal notes and are not part of the official documents that are represented.

NOTICE OF CONDITIONAL USE PERMIT HEARING

November 26, 1969

Dear Citizen;

An application has been received by the City Planning Commission for Conditional Use Permit No. 238-PC to construct and operate a Borrow Pit and Quarry for rock extraction with use of portable crushing and screening equipment, located northerly of the intersection of Mission Gorge Road and Conestoga Way. The property on which the development is proposed consists of a portion of Lot 60, Rancho Mission of San Diego and portions of Lots C and E, partition of a portion of Lot 70, Rancho Mission of San Diego, in the R-1-40 Interim zone.

The Planning Commission will consider this application in a public hearing on Wednesday, December 10, 1969, at 2:30 p.m. in the Council Chamber, Twelfth Floor, City Administration Building, Community Concourse, San Diego, California.

Following the hearing the Planning Commission can do one of the following:

1) Deny the application;

2) Grant the application with conditions.

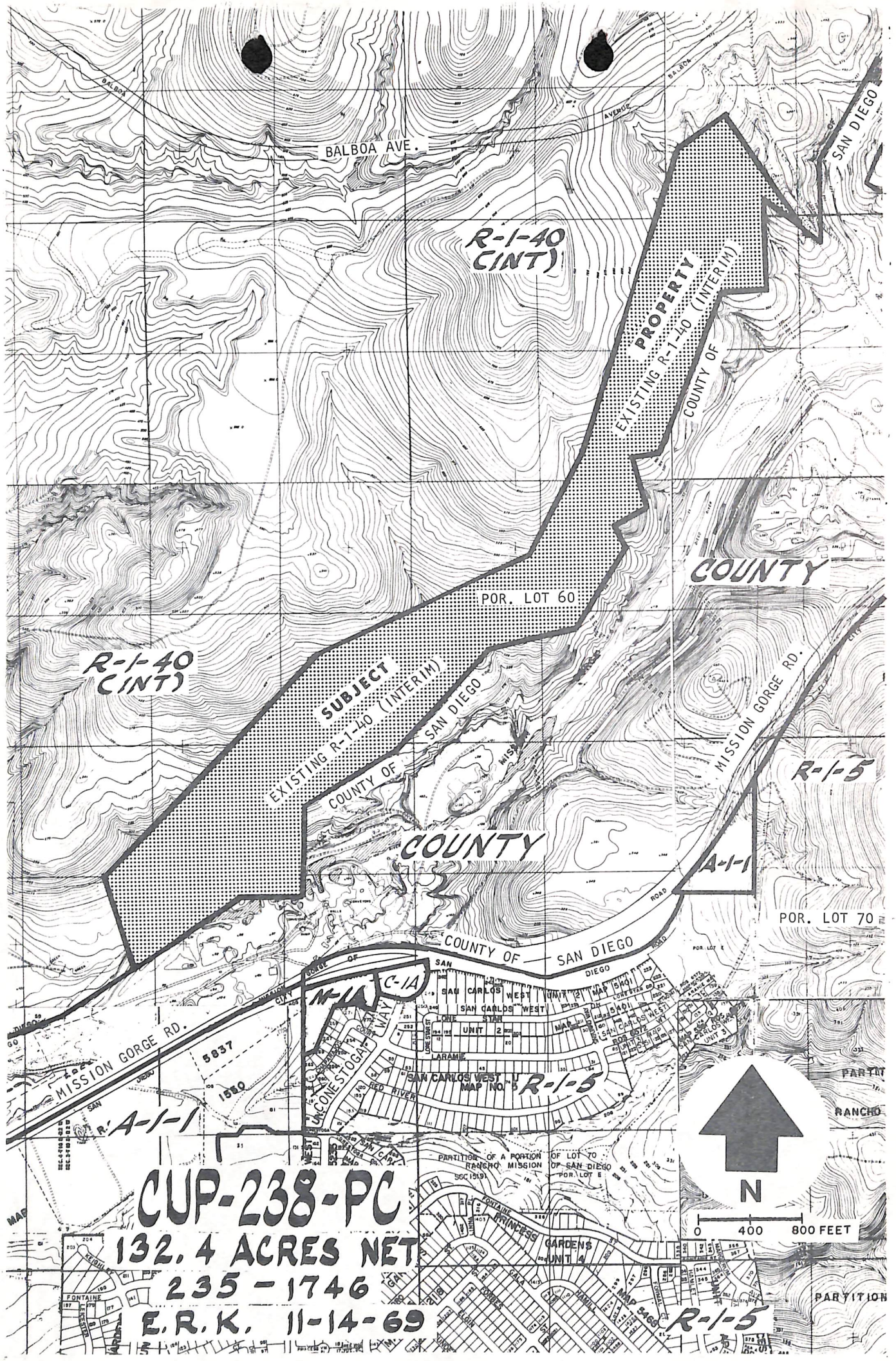
The conditions, if the application is granted, will establish the way in which the property is developed including such matters as architecture, landscaping, lot coverage, building height, setback from the streets, and location of driveways.

This notice is being sent to all owners of property within 300 feet of the property on which the proposed borrow pit and rock quarry would be built.

Any person may (but is not required to) appear before the Planning Commission at the public hearing and be heard in support or in opposition to the granting of the conditional use permit. Further information may be obtained by communication with the Planning Department of the City of San Diego (Phone 236-6460).

CITY PLANNING COMMISSION
SAN DIEGO, CALIFORNIA

C.U.P. No. 238-PC



CUP-238-PC

132.4 ACRES NET

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E.R.K. 11-14-69

238-PC

NOTICE OF CONDITIONAL USE PERMIT HEARING

December 10, 1969

On December 10, 1969, the City Planning Commission voted to continue a request for a Conditional Use Permit to construct and operate a borrow pit and quarry for rock extraction with the use of portable crushing and screening equipment, on a portion of Lot 60, Rancho Mission of San Diego and portions of Lots C and E, Partition of a portion of Lot 70, Rancho Mission of San Diego, in the R-1-40 Interim Zone. This case will be heard on Monday, December 22, 1969 at 11:00 A.M. in the Council Chamber, Twelfth Floor, City Administration Building, Community Concourse, San Diego, California.

Further information may be obtained by communicating with the Planning Department of the City of San Diego (Phone 236-6460).

CITY PLANNING COMMISSION
SAN DIEGO, CALIFORNIA

Case No. C.U.P. 238-PC

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Doc. # 82-0611

631

FINDINGS OF FACT
RESOLUTION NO. 238-PC

WHEREAS, ED FLETCHER COMPANY, a California corporation, "Owner", KAISER CEMENT & GYPSUM CORPORATION, a California corporation, "Permittee", and V. R. DENNIS CONSTRUCTION COMPANY, a California corporation, "Permittee", filed an application for a conditional use permit to operate a borrow pit and quarry for rock excavation with the use of portable crushing and screening equipment, located northerly of the intersection of Mission Gorge Road and Conestoga Way, being a portion of Lot 60, Rancho Mission of San Diego and portions of Lots C and E, Partition of a portion of Lot 70, Rancho Mission, in the R-1-40 zone.

WHEREAS, the Planning Commission of The City of San Diego held a public hearing on Case No. 238-PC pursuant to Section 101.0505 et sequitur of the Municipal Code of The City of San Diego and granted a conditional use permit under date of December 22, 1969, and filed the same in the office of the City Clerk on January 12, 1970 to ED FLETCHER COMPANY, a California corporation, "Owner", KAISER CEMENT & GYPSUM CORPORATION, a California corporation, "Permittee", and V. R. DENNIS CONSTRUCTION COMPANY, a California corporation, "Permittee", to operate a borrow pit and quarry for rock excavation with the use of portable crushing and screening equipment subject to terms and conditions as set out in said conditional use permit; NOW, THEREFORE,

BE IT RESOLVED, by the Planning Commission of The City of San Diego, as follows:

That all of the following facts exist with respect to the issuance of a conditional use permit in favor of ED FLETCHER COMPANY, a California corporation, "Owner", KAISER CEMENT & GYPSUM CORPORATION, a California corporation, "Permittee", and V. R. DENNIS CONSTRUCTION COMPANY, a California corporation, "Permittee":

1. That the proposed use at the particular location is necessary or desirable to provide a facility which will contribute to the general well-being of the community.

2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

3. That the proposed use will comply with the regulations and conditions specified in the Code for such use.

4. That the granting of this conditional use will not adversely affect the Progress Guide and General Plan of the City of San Diego.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the Planning Commission does hereby grant to ED FLETCHER COMPANY, a California corporation, "Owner", KAISER CEMENT & GYPSUM CORPORATION, a California corporation, "Permittee", and V. R. DENNIS CONSTRUCTION COMPANY, a California corporation, "Permittee", a conditional use permit in the form and with the terms and conditions as set forth in Conditional Use Permit - Case No. 238-PC, attached hereto and made a part hereof.

Mary M. Bagaloff

Mary M. Bagaloff, Secretary of the
Planning Commission

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1970 MAR -3 AM 8:06
SAN DIEGO, CALIF.

CONDITIONAL USE PERMIT - PLANNING COMMISSION
CASE NO. 238-PC

632

This conditional use permit is granted by the City Planning Commission of The City of San Diego to the ED FLETCHER COMPANY, a California corporation, "Owner", KAISER CEMENT & GYPSUM CORPORATION, a California corporation, "Permittee", and V. R. DENNIS CONSTRUCTION COMPANY, a California corporation, "Permittee", for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0503 et sequitur of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to ED FLETCHER COMPANY, a California corporation, "Owner", KAISER CEMENT & GYPSUM CORPORATION, a California corporation, "Permittee", and V. R. DENNIS CONSTRUCTION COMPANY, a California corporation, "Permittee" to operate a Borrow Pit and Quarry for Rock Excavation with the use of portable crushing and screening equipment, located northerly of the intersection of Mission Gorge Road and Conestoga Way, being a portion of Lot 60, Rancho Mission of San Diego and portions of Lots C and E, Partition of a portion of Lot 70, Rancho Mission, approximately 132 acres in area, as more particularly described in Appendix "A", attached hereto and made a part hereof, in the R-1-40 zone.

2. The Borrow Pit and Quarry shall include, and the term "Project" as used in this conditional use permit shall mean and include the total of the following facilities:

a. Rock quarry and borrow pit to be developed in several phases.

b. Portable crushing and screening equipment.

c. Offstreet parking.

d. Incidental accessory uses as may be determined and approved by the Planning Director.

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1970 MAR -3 AM 8:07
SAN DIEGO, CALIF.

3. Prior to the issuance of any permit including grading, a complete plan for that phase of excavation and/or grading shall be submitted to the City Engineer and Planning Director for approval. All plans shall be in substantial conformity with Exhibit "A" (dated December 22, 1969) on file in the office of the Planning Department. The property shall be developed in accordance with the approved plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

4. This permit shall expire at midnight (12:00 P.M.) on December 22, 1989.

5. All operations shall be conducted in a safe and sanitary manner, so as not to endanger or damage any adjacent public or private property. Particular attention shall be paid to safeguarding the trunk sewer and water transmission main traversing this and adjoining property.

6. Natural drainage onto the property from surrounding areas shall not be diverted without approval of the City Engineer.

7. Drainage from the property shall be discharged into natural channels, and if discharged at eroding velocities, provision shall be made to settle out debris at or before the point of discharge. Drainage shall not be concentrated and discharged onto adjoining property without the approval of the City Engineer.

8. Rehabilitation of the land shall be on a continuing basis. All final slopes shall be planted with erosion control materials as directed by the City Engineer. Planting shall be maintained until growth has been firmly established.

9. All work involving excavation or embankment shall be covered by a permit issued by the City Engineer. Said permit will be supported by plans and specifications showing the extent and scope of the work proposed and the restoration work contemplated during the life of the permit. The permit shall be issued for a period not to exceed five years; shall require a fee commensurate with the anticipated costs of inspection and administration of the permitted work.

10. Prior to the granting of any subsequent permits required by Paragraph 9, the City Engineer shall be satisfied that adequate provisions have been made for satisfactory rehabilitation of the land. All work provided under the permit shall conform to the standards and requirements in effect at the time of the issuance of the permit.

11. A six-foot chain link fence shall be installed and maintained on the natural ground above the face of any excavation or embankment being worked, or which has been rehabilitated, which is more than ten feet in vertical height and any part of which is steeper than one and one-half feet horizontal to one foot vertical.

12. All interior roadways (except areas of excavation), parking areas and operating areas shall be oiled, paved or otherwise dust-proofed and so maintained as required by the Air Pollution Control Officer of San Diego County.

13. In view of the undeveloped nature of the area, this Conditional Use Permit shall be subject to review by the Planning Commission at approximately five-year intervals. This review shall be for the purpose of determining if any additional conditions need to be imposed or existing conditions amended.

14. When required by the City Engineer, right of way or slope requirements for the proposed Mound Avenue shall be granted at substantially the location and the elevation and alignments as presently proposed. If there is a substantial change in location, elevation or alignment, same will be subject to mutual agreement of the parties.

15. Grantee shall assume all risk of damage or injury which might result from blasting or any other operation on the subject property. Such blasting, quarry or other operation shall not be initiated or commenced within the easements for the Mission Gorge sewer or San Diego County Water Authority aqueduct.

16. Permittee shall provide the following assurances on, or attached to, grading plans or improvement plans when submitted: (a) Copy of an approved hydraulic study of the involved flood plain for a projected 50-year flood period; (b) Location on grading plan of the high water mark line at flood stage; (c) All finished grading pads shown on the grading plans shall show pad elevation (attached certification to indicate that these elevations are to be finished off above the computed flood design level).

17. Where the subject property lies within or adjacent to the San Diego River, an adequate river channel shall be maintained of width and depth satisfactory to the City Engineer.

18. No grading shall be permitted within 100 feet of the northwesterly and southwesterly property line within the City of San Diego.

19. Applicant shall obtain necessary Permits to Construct and/or operate in accordance with the Rules and Regulations of the Air Pollution Control District.

20. Applicant shall adopt operating procedures which will minimize nuisance dust emissions. Access roads and operating areas shall be oiled, paved or otherwise dustproofed and so maintained. Material delivery trucks shall be surface-watered prior to departure from the site if necessary to prevent spread of dust.

21. Prior to final approval, the property shall be provided with facilities approved by the San Diego Department of Public Health, as follows:

(a) A potable water supply.

(b) Proper sanitary facilities, including toilet, handwashing, and sewage disposal for employees working on the premises. These facilities shall be installed in conformance with the laws applicable thereto.

(c) No plumbing or other installation shall be made that could cause pollution of the potable water supply due to an open or potential cross connection, or due to back syphonage.

(d) Any ponds or surface waters shall be maintained in such manner as to prevent the development of a pest nuisance.

22. All operations conducted on the premises, including the warming up, repair, arrival and departure of trucks and other vehicular equipment, shall be limited to the period between 6:00 A.M. and 10:00 P.M., each day, Monday through Friday and no operations shall be conducted on the premises on Saturdays and Sundays. Blasting shall be limited to the period between 7:00 A.M. and 5:00 P.M.

23. Offstreet parking shall be provided at a ratio of one space for each employee. Said spaces shall be improved in a manner required by the City Engineer.

24. Upon completion of any excavated or filled area, landscaping shall be installed and maintained. Said planting material shall consist of ground cover, shrubbery and trees as it may be applicable. Plans for landscaping shall be submitted to the City Engineer and Planning Director for approval.

25. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

26. Substantial construction of the project shall have commenced and shall be proceeding within one year from the effective date of this conditional use permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0506 and Section 101.0509 of the San Diego Municipal Code. See the latter referenced sections as those terms and conditions apply hereto.

27. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

28. This conditional use permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0508 of the Municipal Code of The City of San Diego.

29. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

(a) Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in 26 above; i.e., the time commences to run on the date that the Planning Commission granted this conditional use permit.

(b) This conditional use permit executed at indicated shall have been recorded in the office of the County Recorder.

30. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

31. The project included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

32. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by the City or permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0505.2. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0505.2.

33. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Passed and adopted by the Planning Commission of the City of San Diego December 22, 1969.

AUTHENTICATED BY:

636

J. R. Quivey

J. R. Quivey, Senior Planner
Planning Department

Mary M. Bagaloff

Mary M. Bagaloff, Secretary to the
Planning Commission

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN DIEGO)

On This 3rd day of March, ~~1969~~ 1970, before me the undersigned a Notary Public in and for said County and State, personally appeared J. R. QUIVEY, known to me to be a Senior Planner of The City of San Diego, and MARY M. BAGALOFF, known to me to be the Secretary of the Planning Commission of The City of San Diego and known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

(Notary Stamp)

OFFICIAL SEAL
RUTH E. KLAUER
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires May 23, 1973

Ruth E Klauer

Notary Public in and for the County
of San Diego, State of California

CUP 238-PC

637

ACKNOWLEDGED:

The undersigned Permittee by execution hereof agrees to each and every condition of this conditional use permit and promises to perform each and every obligation of Permittee hereunder.

ED FLETCHER COMPANY, a California corporation, "Owner"

By Ferdinand Fletcher President
Authorized Signator

KAISER CEMENT & GYPSUM CORPORATION, a California corporation, "Permittee"

By James E. Boyce
Authorized Signator

V. R. DENNIS CONSTRUCTION COMPANY, a California corporation, "Permittee"

By Edward C. Dennis
Authorized Signator

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS.

On this 13th day of February, 1970, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ferdinand T. Fletcher known to me to be the President of the ED FLETCHER COMPANY, a California corporation, the corporation that executed the within instrument and known to me to be the person who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

(Notary Stamp)

OFFICIAL SEAL
Marvey M. Hiber, Jr.
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires February 9, 1973

Marvey M. Hiber
Notary Public in and for said County and State

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS.

On this 9th day of February, 1970, before me, the undersigned, a Notary Public in and for said County and State, personally appeared James E. Boyce known to me to be a vice president of the KAISER CEMENT & GYPSUM CORPORATION, a California corporation, the corporation that executed the within instrument and known to me to be the person who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

2.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

Una A. Clark
Notary Public in and for said County and State

(Notary Stamp)

UNA A. CLARK
NOTARY PUBLIC
Principal Office, San Diego Co. Calif.
My Commission Expires May 13, 1973

CUP 238-PC

638

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS.

On this 18TH day of FEBRUARY, 1970, before me, the undersigned, a Notary Public in and for said County and State, personally appeared HOWARD C. DENNIS known to me to be PRESIDENT of the V. R. DENNIS CONSTRUCTION COMPANY, a California corporation, the corporation that executed the within instrument and known to me to be the person who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above ~~written~~.

Douglas A. Dipew
Notary Public in and for said County and State

(Notary Stamp)

OFFICIAL SEAL
DOUGLAS A. DEPEW
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires August 6, 1973

APPENDIX "A"

Parcel 5:

That portion of Lot 60 of Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Partition Map thereof of said Rancho made in the action of Juan M. Luco, et al, Vs. Commercial Bank of San Diego, et al, in Superior Court, Case No. 348, on file in the Office of the County Clerk, described as follows:

Beginning at the southwesterly corner of Lot 60, Rancho Mission of San Diego, according to the Partition Map thereof in Superior Court Case No. 348, and filed in the San Diego County Recorder's Office as Map No. 330; thence North 56°35'22" East, 643.84 feet along the southeasterly line of said Lot 60, being also the Admiral Baker Field Boundary as shown on Eleventh Naval District Public Works Office, San Diego, California, Yards and Docks Drawing No. 722388, to the True Point of Beginning; thence North 17°34'45" West, 675.47 feet to a point on said boundary; thence departing from said boundary, North 43°56'57" East to the northerly line of said Lot 60; thence easterly along said northerly line, to angle point in the boundary of land described in deed to Ed Fletcher Company, et al, Recorded May 3, 1963 as File No. 76633 of Official Records; thence along said boundary as follows:

South 02°05'22" West, 655.17 feet; thence North 87°54'38" West 458.63 feet; thence South 56°35'22" West, 1046.53 feet to the True Point of Beginning.

Parcel 6:

That portion of Lot "E" of the Partition of a portion of Lot 70 of Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Referee's Partition Map in Superior Court Case No. 1519, on file in the Office of the County Clerk of said County, lying within a parcel of land described as follows:

Beginning at the southwesterly corner of Lot 60, Rancho Mission of San Diego, according to the Partition Map thereof in Superior Court, Case No. 348, filed in the Office of County Recorder of San Diego County as Map No. 330, thence North 56°35'22" East, 643.84 feet along the southeasterly line of said Lot 60, being also the Admiral Baker Field Boundary as shown on Eleventh Naval District Public Works Office, San Diego, California, Yards and Docks Drawing No. 722388; thence North 17°34'45" West, 675.47 feet to a point on said boundary; thence departing from said boundary, North 43°56'57" East, 2316.11 feet to the True Point of Beginning; thence North 63°59'00" East, 1869.44 feet; thence North 26°33'55" East, 894.47 feet; thence North 18°59'16" East, 2458.78 feet; thence North 57°45'42" East, 389.24 feet to a point on the westerly boundary of the Second San Diego Aqueduct right of way as shown on San Diego County Water Authority Map No. SR-34; thence South 32°14'18" East, 1016.75 feet along the westerly boundary of the said Second Aqueduct right of way to a point of intersection of the said San Diego Aqueduct right of way with the boundary line of Camp Elliot, as described in the Judgment and Decree in Condemnation by the United States in Civil Case No. 105, recorded in Book 1420, Page 115 of Official Records; thence departing from said boundary line of the Second San Diego Aqueduct right of way, North 49°18'48" West, 333.29 feet along the said boundary line of Camp Elliot; thence South 0°38'48" East, 680.00 feet; thence South 85°51'12" West, 339.00 feet; thence South 21°44'04" West, 1418.00 feet; thence South 84°39'34" West, 213.00 feet; thence South 13°33'32" East, 417.00 feet; thence South 61°03'39" West, 280.00 feet; thence South 24°06'42" East, 175.00 feet; thence South 34°17'29" West, 730.00 feet; thence South 79°12'29" West, 661.53 feet; thence South 44°31'03" West, 1027.39 feet; thence South 56°53'23" West, 742.19 feet to the southerly line of said Lot "E"; thence westerly along said southerly line to that course described above which bears North 43°56'57" East, to the True Point of Beginning; thence North 43°56'57" East, to the True Point of Beginning.

640

Parcel 7:

That portion of Lot "C" of the Partition of a portion of Lot 70 of Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Referee's Partition Map in Superior Court, Case No. 1519, on file in the Office of the County Clerk of said county, lying within a parcel of land described as follows:

Beginning at the southwesterly corner of Lot 60, Rancho Mission of San Diego, according to the Partition Map thereof in Superior Court, Case No. 348, filed in the Office of County Recorder of San Diego County as Map No. 330, thence North 56°35'22" East, 643.84 feet along the southeasterly line of said Lot 60, being also the Admiral Baker Field Boundary as shown on Eleventh Naval District Public Works Office, San Diego, California, Yards and Docks Drawing No. 722388; thence North 17°34'45" West, 675.47 feet to a point on said boundary; thence departing from said boundary, North 43°56'57" East, 2316.11 feet to the True Point of Beginning; thence North 63°59'00" East, 1869.44 feet; thence North 26°33'55" East, 894.47 feet; thence North 18°59'16" East, 2458.78 feet; thence North 57°45'42" East, 389.24 feet to a point on the westerly boundary of the second San Diego Aqueduct right of way as shown on San Diego County Water Authority Map No. SR-34; thence South 32°14'18" East, 1016.75 feet along the westerly boundary of the said Second San Diego Aqueduct right of way to a point of intersection of the said San Diego Aqueduct right of way with the boundary line of Camp Elliott, as prescribed in Judgment and Decree in Condemnation by the United States in Civil Case No. 105, recorded in Book 1420, Page 115 of Official Records; thence departing from said boundary line of the Second San Diego Aqueduct right of way, North 49°18'48" West, 333.29 feet along the said boundary line of Camp Elliott; thence South 0°38'48" East, 680.00 feet; thence South 85°51'12" West, 339.00 feet; thence South 21°44'04" West, 1418.00 feet; thence South 84°39'34" West, 213.00 feet; thence South 13°33'32" East, 417.00 feet; thence South 61°03'39" West, 280.00 feet; thence South 24°06'42" East, 175.00 feet; thence South 34°17'29° West, 730.00 feet; thence South 79°12'29" West, 661.53 feet; thence South 44°31'03" West, 1027.39 feet; thence South 56°53'23" West, 742.19 feet to the southerly line of Lot "E" of said Partition of a portion of Lot 70 of Rancho Mission of San Diego; thence Westerly along said southerly line to that course described above which bears North 43°56'57" East, to the True Point of Beginning; thence North 43°56'57" East to the True Point of Beginning.

641

DOCUMENT NO. 731067

FILED MAR 3 1970

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

39240

FILE/PAGE NO.
RECORDED REQUEST OF
CITY CLERK

MAR 4 9 25 AM '70

BOOK 1970
OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIF.
A.S. GRAY, RECORDER

NO FEE

(Zoning-C.U.P.)

Conditional Use Permit Case No. 238-PC - Kaiser Cement & Gypsum Corp. & V. R. Dennis Construction Co. - Operate Borrow Pit and Quarry for Rock Excavation with portable crushing & screening equipment - nly of intersection of Mission Gorge Rd. and Conestoga Way - por Lot 60, Rancho Mission and pors Lots C and E, Partition of por Lot 70, Rancho Mission

cc: Plann - 4A

3-3-70 nk

City of San Diego
Planning Department

Environmental
Quality
Division

236-5775

RECEIVED
CITY CLERK'S OFFICE
1983 APR -5 AM 10:09
SAN DIEGO, CALIF.

Negative Declaration

EQD No. 82-0611

SUBJECT: V. R. Dennis CUP. CONDITIONAL USE PERMIT for the mining and processing of natural resources on approximately 250 acres and MASTER RECLAMATION PLAN for 400 acres. Located in the A-1-10 and M-1B zones, on the north side of Mission Gorge Road between the extensions of Old Cliffs Road and Margerum Avenue (Portions of Lots 53, 61-63, and 70, Rancho Mission of San Diego, lying northerly of Road Survey 1634). Applicant: V. R. Dennis Construction Co./Mission Gorge Development Co.

I. PROJECT DESCRIPTION: See attached Initial Study.

II. ENVIRONMENTAL SETTING: See attached Initial Study.

III. FINDING:

The City of San Diego has conducted an Initial Study and determined that the proposed project will not have a significant environmental effect and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Finding.

V. MITIGATING MEASURES:

None required.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Negative Declaration were distributed to:

U. S. Fish and Wildlife
Regional Water Quality Control Board
Air Pollution Control District
County Park and Recreation Department
Navajo Community Planners
Tierrasanta Community Council
Councilman Murphy

VII. RESULTS OF PUBLIC REVIEW:

(X) No comments were received during the public input period.

( ) Comments were received but did not address the Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.

( ) Comments addressing the findings of the draft Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. Responses to these comments follow, and the letters of comment are attached.

Copies of the draft Negative Declaration and any Initial Study material are available in the office of the Environmental Quality Division for review, or for purchase at the cost of reproduction.

Allen M. Jones, Deputy Director
City Planning Department

January 6, 1983
Date of Draft Report

January 26, 1983
Date of Final Report

Analyst: Ruggels/dh

INITIAL STUDY
EQD No. 82-0611

SUBJECT: V. R. Dennis CUP. CONDITIONAL USE PERMIT for the mining and processing of natural resources on approximately 250 acres and MASTER RECLAMATION PLAN for 400 acres. Located in the A-1-10 and M-1B zones, on the north side of Mission Gorge Road between the extensions of Old Cliffs Road and Margerum Avenue (Portions of Lots 53, 61-63, and 70, Rancho Mission of San Diego, lying northerly of Road Survey 1634). Applicant: V. R. Dennis Construction Co./Mission Gorge Development Co.

I. PURPOSE AND MAIN FEATURES:

The project is a Conditional Use Permit (CUP) for the mining and processing of natural resources on approximately 250 acres in the Navajo community. Existing grandfathers rights, legal nonconforming use, and existing Conditional Use Permits (County of San Diego Special Use Permits P69-247 and P73-207 and City of San Diego CUP 238-PC) would be consolidated under the proposed CUP. The CUP would establish uniform conditions for the continued operation of a natural resource processing facility under the jurisdiction of the City. The lifetime for the CUP would be 50 years, with review by the City every five years.

Accompanying the CUP is a Master Reclamation Plan which covers the land within the boundaries of the CUP as well as property from which sand deposits have been previously excavated (approximately 400 acres total). The Master Reclamation Plan establishes the ultimate reclamation goals and general guidelines. Precise reclamation plans would be submitted for City approval before final reclamation takes place in each subarea.

II. ENVIRONMENTAL SETTING:

The project site is a northeast to southwest trending, irregularly shaped parcel located in the highly urbanized San Diego River Valley between the Tierrasanta and Navajo communities. Surrounding development and zoning consist of single and multi-family, commercial and industrial uses in the R-1-5, R-3, CA, M-1B, M-1A and A-1-1 zones to the south; the Tierrasanta community under development for single-family use in the R-1-5 and R-1-40 zones to the north; and Federal land (Admiral Baker Field and Golf Course) to the west. A Planned Residential Development is under construction south and east of the property in the R-1-5 and R-2 zones.

Existing on-site development consists of extraction, processing and quarry operations at the southwestern and northeastern portions of the site. Light industrial uses, V. R. Dennis Company Headquarters, a maintenance facility and storage yard are also located in the central portion of the site adjacent to and fronting on Mission Gorge Road. Holding ponds located in the central portion of the property are used to store water for washing operations at the processing plant.

The project site is within the Navajo Community Plan area. The community plan designates the site for rock resources, natural resource extraction and industrial use. Portions of the site in the area of the San Diego River Channel are recommended as open space. In conjunction with the Mission Trails Regional Park, a hiking trail is recommended in the San Diego River Basin through Mission Gorge.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

IV. DISCUSSION:

Geology and Soils

According to the City's Seismic Safety Study the project site is rated BC and C, indicating the potential for unstable geological soils conditions. Existing potential landform impacts in the project area are associated with two geologic constraints: 1) potential slope instability and slide-prone formations; and 2) liquefaction of loosely consolidated alluvium in the San Diego floodplain. The seismic study also locates an off-site concealed fault paralleling the property and following Mission Gorge Road.

The proposed project involves a CUP and a master reclamation plan. Project implementation would not result in significant impacts to geology and soils. Future development of the site would however, be subject to geologic hazards due to potential slope failure and liquefaction. A condition would be included in the CUP that environmental review of precise reclamation plans occurs prior to final reclamation of subareas. Environmental review would include an analysis of geology and soils impacts, and if necessary, appropriate mitigation measures would be recommended.

Water

Mining and processing of natural resources would not significantly affect the water quality of the San Diego River. Extraction and processing operations have been granted a permit from the Regional Water Quality Control Board (RWQCB) (77-41) which regulates discharges in the San Diego River. Compliance with regulations of the RWQCB would be made a condition of the CUP and would avoid significant impacts to water quality.

Biology

The project would not significantly affect biological resources. The entire 250-acre project site has been disturbed for over 40 years by the continuing extraction and quarrying operations and subsequent redevelopment of reclaimed land. Existing on-site vegetation consist primarily of urban exotics and scattered volunteers. Narrow linear areas of modified riparian vegetation can be found in and adjacent to the river course. The extent of riparian growth is limited by abutting urban uses and is characteristically a 5 to 10-foot-wide strip on the southern bank, and a 5 to 20-foot-wide strip on the northern bank. These strips of riparian growth start in the west central portion of the site and extend westerly approximately three-quarters of a mile to the southwestern property boundary. The relatively small area of riparian habitat supports a number of birds and small animals; however, nesting is restricted to the area immediately adjacent to the river because of the intense level of existing urban activity on the project site.

A condition has been placed in the CUP which requires revegetation of the river corridor exclusively with riparian plant species as shown in the Landscape Concept Plan. This action would enhance the riparian habitat and mitigate impacts to biological resources.

Air Quality

The V.R. Dennis facility operates under a current permit from the County Air Pollution Control District (APCD) (Permit No. 254-258-1339-1572). A condition would be placed in the CUP that continued operations must comply with regulations of APCD. This condition would ensure that significant air quality impacts are avoided.

V. RECOMMENDATION:

On the basis of this initial evaluation:

__X__ The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.

_____ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.

_____ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

PROJECT ANALYST: RUGGELS/dh

Attachments: 800 Scale Map
Reclamation Plan

City of San Diego
Planning Department

Environmental Quality Division

INITIAL STUDY
EQD No. 82-0211

III. Environmental Analysis

This Initial Study is designed to identify the potential for significant environmental impacts which could be associated with a project. All answers of "yes" and "possible" indicate that there is a potential for significant environmental impacts and these answers are explained in an attached discussion section.

Thirteen categories are examined below for potential impacts: Geology and Soils, Water, Land-Related Resources, Biology, Historical and Cultural Resources, Land Use, Visual Quality, Growth Inducement/Services, Transportation, Air Quality, Energy and Water Conservation, Noise, and Cumulative Effects.

Geology and Soils

	Impacts		
	Yes	Possible	No
1. The Seismic Safety Study Geotechnical Land Use Capability Map or other evidence indicates that the project site has unstable geologic or soil conditions. (Rating is AC, BC, C, or D)	✓	—	—
2. The project will result in an increase in soil erosion, either on or off the site.	—	✓	—
3. The project will substantially change topography or ground surface relief features (generally more than 5,000 cubic yards of grading/acre).	✓	—	—
4. Proposed or probable grading exceeding 3,000 cubic yards per acre will occur in unique or unusual landforms, such as natural canyons, sandstone bluffs, rock outcrops, or hillsides with a slope in excess of 25 percent.	—	—	✓
5. Construction will take place within a 50-foot setback of a coastal bluff or within an area extending inland to a line formed by a 20-degree angle from the base of the coastal bluff.	—	—	—

Water

	Impacts		
	Yes	Possible	
1. The project will have adverse direct or indirect effects on a domestic water supply, lagoon, bay, or beach.	—	—	✓
2. The project will substantially degrade subsurface water quality.	—	—	✓
3. The project will obstruct the flow of water in a floodway or change the course or direction of water movements in either marine or fresh water.	—	—	✓
4. The project will alter the landform in a floodplain fringe.	—	—	✓
5. The quality of surface waters will be changed by discharges or altered in terms of temperature, dissolved oxygen, turbidity or other factors.	—	—	—

Land-Related Resources

1. The project will substantially deplete or prevent potential use of any nonrenewable natural resources.	—	—	✓
2. The project will significantly reduce the acreage of land rated for agriculture or currently used for agriculture.	—	—	—

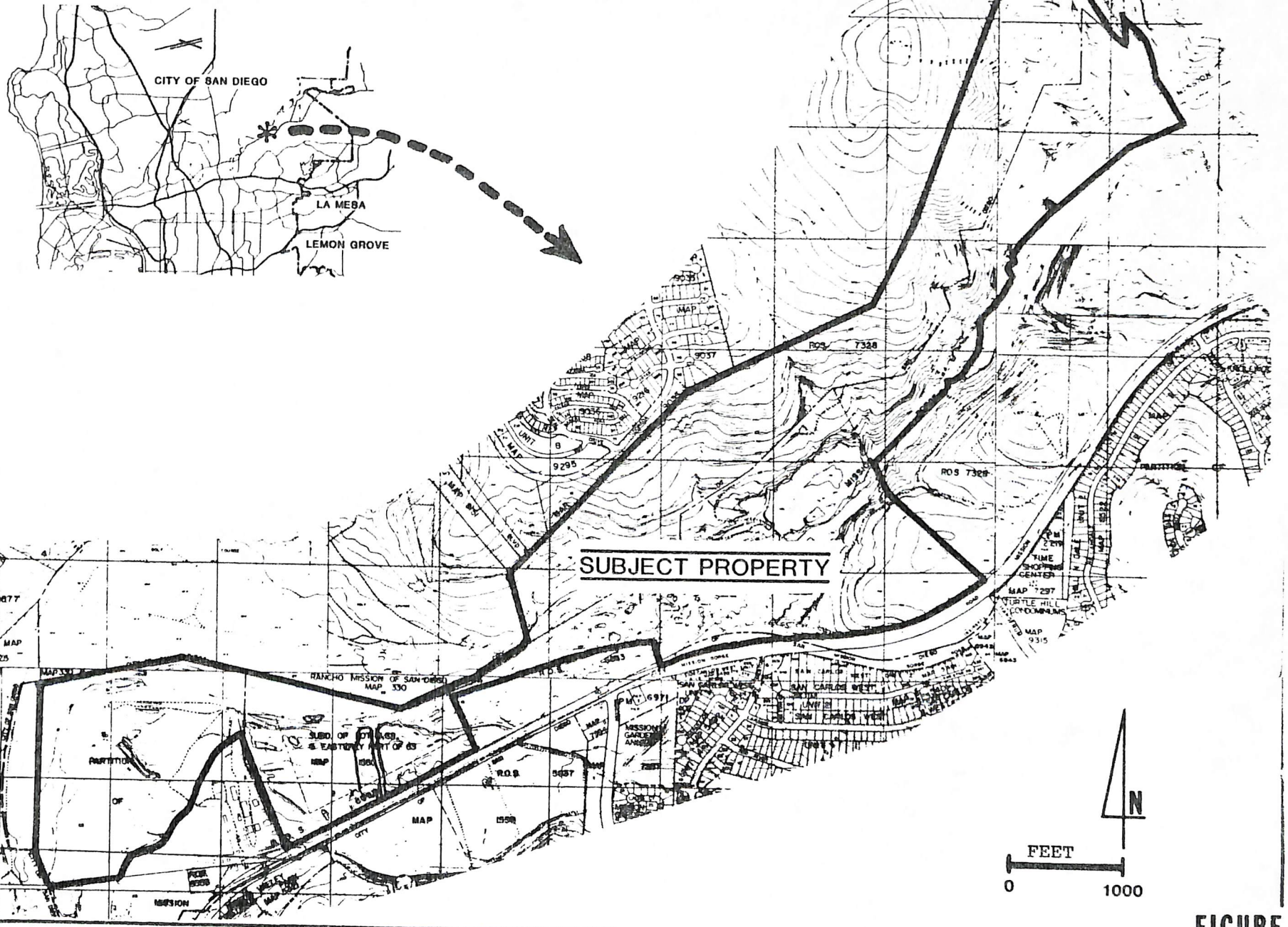
Biology

1. The project will significantly alter or eliminate the habitat utilized by a threatened, rare, or endangered plant or animal species as identified by the U.S. Fish and Wildlife Service or the California Department of Fish and Game.	—	—	✓
2. The project will significantly alter the habitat utilized by a unique, sensitive, fully protected, or blue list species as identified by the California Native Plant Society, the California Department of Fish and Game, the Audubon Society, or other organizations.	—	—	—
3. The project will affect a sensitive habitat, including but not limited to streamside vegetation, oak woodland, vernal pools, coastal salt marsh, lagoon, wetland, or coastal sage or chaparral in the California Coastal Zone.	—	—	—

	Impacts		
	Yes	Possible	No
4. The project will affect a stand of distinctive, landmark, or mature trees.	—	—	✓
5. The project will create a barrier to migration, movement, or dispersion of a plant or animal species.	—	—	✓
6. The project will substantially diminish other natural wildlife habitat.	—	—	✓
torical and Cultural Resources			
1. The property contains an archaeological/ paleontological site or appears to have a high potential for containing cultural resources.	—	—	✓
2. The project will affect an historical or architecturally significant site.	—	—	✓
Land Use			
1. The project will be inconsistent with adopted environmental goals or land use designations as defined in a general plan, community plan, or precise plan.	—	—	✓
2. The project will disrupt or divide the physical arrangement of a community.	—	—	✓
3. The project will displace a large number of people.	—	—	✓
4. The project will prevent existing public access to beaches, tidelands, parks, or other open space recreation areas.	—	—	✓
5. The project is not compatible with noise levels or aircraft accident potential as defined by CPO Airport Land Use Plan or the Department of Defense Air Installation Compatable Use Zone.	—	—	✓
Visual Quality			
1. Project bulk, scale, or architectural style will be incompatible with surrounding development.	—	—	✓
2. The project will interfere with the view of significant natural features or landmarks.	—	—	✓

	Impacts		
	Yes	Possible	No
3. The project will result in an adverse condition open to public view such as glaring lights, refuse areas, etc.	—	—	✓
Growth Inducement/Services			
1. The project will result in a need for new systems, or an expansion of capacity of the following utilities:			
a. power or natural gas	—	—	✓
b. communications systems	—	—	✓
c. water	—	—	✓
d. sewage treatment facilities or septic tank	—	—	✓
e. storm water drainage	—	—	✓
f. solid waste and disposal	—	—	✓
2. The project will result in the need for new or altered governmental services such as police or fire protection, schools, parks or recreational facilities.	—	—	✓
3. The project will require construction of new streets which would serve presently undeveloped or unplanned property.	—	—	✓
Transportation			
1. The project will increase motor vehicle traffic through a high accident location as identified by the Engineering and Development Department.	—	—	✓
2. The project will create or add to significant impacts to traffic circulation.	—	—	✓
3. The project will increase or create parking congestion.	—	—	✓
Air Quality			
1. The project will discharge or generate hazardous or objectionable materials (smoke, dust, chemical, odor) on a long-term basis.	✓	—	—
2. The project will generate or result in substantial auto emissions in an area where state or federal ambient air quality standards have been frequently or greatly exceeded.	—	—	✓

	Impacts		
	Yes	Possible	No
3. Residential or institutional projects will be subjected to CO concentrations, vehicle emissions, or other hazardous materials, worse than state of federal standards.	—	—	✓
Energy and Water Conservation			
1. The proposed project will result in the use of substantial or excessive amounts of fuel or energy.	—	—	—
2. The design of the project significantly interferes with natural heating and cooling opportunities either on or off the site.	—	—	—
3. The project will result in the use of excessive amounts of water.	—	—	—
4. Less than 1/3 of the landscaped area will contain native or drought resistant vegetation.	—	—	—
Noise			
1. Current or future noise levels from an external source will exceed standards in the City Noise Element for the proposed use.	—	—	—
2. The project will generate noise incompatible with nearby uses according to the City Noise Element.	—	—	—
Cumulative Effect			
There are special circumstances associated with the project such that when added to past, present, or future projects in the area, the addition of this project would result in a significant cumulative impact for the vicinity.	—	—	—



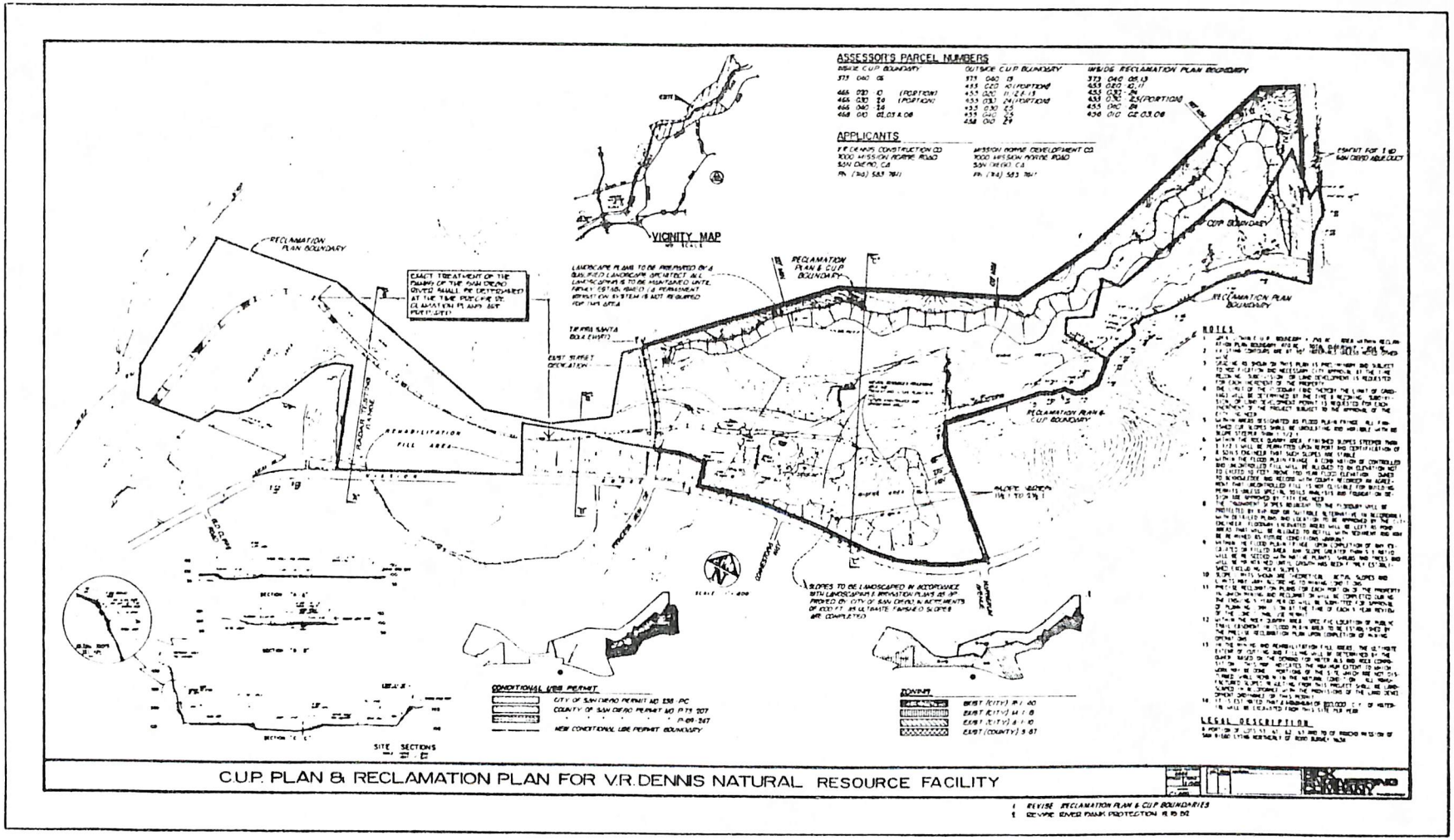
PROJECT LOCATION

Environmental Quality Division

CITY OF SAN DIEGO · PLANNING DEPARTMENT

FIGURE

1



RECLAMATION PLAN

FIGURE 2

Environmental Quality Division

CITY OF SAN DIEGO · PLANNING DEPARTMENT

1983

Resolution introducing the CUP

(R-83-2086)

RESOLUTION NUMBER R- 258660

Adopted on JUN 14 1983

WHEREAS, MISSION GORGE DEVELOPMENT CO., a California corporation, hereafter referred to as "Owner," and V. R. DENNIS CONSTRUCTION CO., a California corporation, hereafter referred to as "Permittee," filed an application to amend Conditional Use Permit No. 238-PC, which was granted by the Planning Commission of The City of San Diego on December 22, 1969, and which permitted operation of a borrow pit and quarry for rock excavation, with the use of portable crushing and screening equipment, on 132 acres of land located northerly of the intersection of Mission Gorge Road and Conestoga Way, described as a portion of Lot 60, Rancho Mission of San Diego, and portions of Lots C and E, Partition of a portion of Lot 70, Rancho Mission, in the R-1-40 Zone, which amendment would permit the operation of a rock quarry, borrow pit, portable crushing and screening equipment on approximately 250 acres of land located on the north side of Mission Gorge Road, between the extension of Old Cliffs Road and Margerum Avenue, described as a portion of Lots 53, 61, 62, 63 and 70, Rancho Mission of San Diego, within the Navajo and Tierrasanta Community Plan areas, in the A-1-10, R-1-40 and M-1B Zones, and for approval of a Master Reclamation Plan for said 250 acres and an additional 170 acres that have previously been mined; and

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Resolution introducing the CUP

WHEREAS, on March 24, 1983, the Planning Commission of The City of San Diego made its findings of fact, which are set forth in Resolution No. 4254, granted approval of said Conditional Use Permit amendment, and filed its decision in the office of the City Clerk on June 3, 1983; and

WHEREAS, on April 4, 1983, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, the TIERRASANTA COMMUNITY COUNCIL, by Michael R. Mele, A.I.A, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on April 26, 1983, continued to May 24, 1983 and to June 14, 1983; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearings; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Section 101.0506 to affirm, reverse or modify, in whole or in part, any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego as follows:

All of the following facts exist with respect to Conditional Use Permit No. 82-0611/Amendment to Conditional Use Permit No. 238-PC:

1. The proposed use as conditioned would not adversely affect the neighborhood, the General Plan nor the Community

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Resolution introducing the CUP

Plans and would not be detrimental to the health, safety and general welfare of persons living or working in the area. The applicants indicate that this area, which has been used as a natural resource facility since 1927, and has a reserve supply of resource materials beyond the 50-year permit period, contains rock, sand and gravel deposits that are necessary and desirable for the construction needs of the San Diego region. The applicants also indicate that all air and water discharges would be subject to regulation of the Air Pollution Control District and the Regional Water Quality Control Board to ensure compatibility with surrounding land uses. Access to the quarry excavation area would be restricted by fencing. As the property is reclaimed and the precise reclamation plan is implemented, the San Diego River Channel will be preserved for open space, trails and equestrian paths installed, and landscaping planted. Blasting will be limited to specific daylight hours during the week.

2. The proposed use would comply with all relevant regulations in the Municipal Code. Section 101.0506 of the Municipal Code, paragraph A.9., provides for a natural resource development and utilization to be approved by the Planning Commission by a Conditional Use Permit in any zone.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of TIERRASANTA COMMUNITY COUNCIL, by Michael R. Mele, A.I.A., is denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to MISSION GORGE DEVELOPMENT CO., a California

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Resolution introducing the CUP

corporation, "Owner," and V. R. DENNIS CONSTRUCTION CO., a California corporation, "Permittee," Conditional Use Permit No. 82-0611/Amendment to Conditional Use Permit No. 238-PC, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: John W. Witt, City Attorney

By Frederick C Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:630
06/16/83
Or.Dept:Clerk
R-83-2086
Form=r.none

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CUP

CONDITIONAL USE PERMIT NO. 82-0611
(AMENDMENT TO CUP NO. 238-PC)
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to MISSION GORGE DEVELOPMENT CO., a California corporation, "Owner," and V. R. DENNIS CONSTRUCTION COMPANY, a California corporation, "Permittee," for the purposes and under the terms and conditions as set out herein, pursuant to the authority contained in Section 101.0506 of the San Diego Municipal Code.

1. Permission is hereby granted to Owner/Permittee to construct and operate a natural resource facility over approximately 250 acres of land located on the north side of Mission Gorge Road, between the extension of Tierrasanta Boulevard and Margerum Avenue, described as a portion of Lots 53, 61, 62, 63 and 70, Rancho Mission of San Diego, lying northerly of Road Survey 1634, in the A-1-10, R-1-40 and M-1B Zones.

2. The natural resource facility shall include, and the term "project" as used in this Conditional Use Permit shall mean the total of the following facilities:

a. Extraction, processing and storage of sand, gravel, rock, clay, decomposed granite and soils.

b. Manufacture, production, processing and storage of asphaltic concrete, Portland cement, concrete products and clay products.

c. Sale and distribution by truck or other conveyance

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of sand, gravel, rock, clay, decomposed granite and soils, and Portland cement, asphaltic concrete, concrete and clay products.

d. Off-street parking.

e. All structures, machinery, equipment and facilities incidental to the uses described in this paragraph.

f. A Master Reclamation Plan encompassing 420 acres of land to be implemented through the phased rehabilition of excavated area.

g. Incidental accessory uses as may be determined and approved by the Planning Director.

h. Storage and use of explosives as per California Industrial Standards.

3. This permit shall expire at midnight, March 24, 2033.

4. The permit shall be subject to review of all conditions by the City Planning Commission of The City of San Diego at five-year intervals. This review shall be for the purpose of determining if any additional conditions need to be imposed or existing conditions amended. However, during the five-year review period, any affected person may submit a request to the City Planning Director for a review of this permit if any unforeseen major problem arises.

5. A 420-acre Master Reclamation Plan accompanies this Conditional Use Permit. Precise reclamation plans shall be submitted to the City Planning Department and Environmental Quality Division for review prior to final reclamation of

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subareas. The submittal of the phased plans should correspond with the five-year review period outlined in paragraphs 4 and 28.d.

6. Precise reclamation plans shall also be subject to environmental review. If deemed necessary, geotechnical studies shall be conducted in order to determine significance of potential impacts. Mitigation measures, if required, shall be implemented at the precise plan level.

7. Not less than one off-street parking spaces for each employee shall be provided and maintained on the subject property. Areas and driveways shall be oiled, paved, or otherwise dustproofed and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

8. The following agreements, easements and reservations shall be granted to The City of San Diego within one year of the effective date of this permit or as otherwise approved by the City Engineer:

a. An agreement for right-of-way for the connection of Tierrasanta Boulevard with Mission Gorge Road to include sufficient areas for construction of bridge structures and slopes.

b. An easement for recreational purposes to provide public access - linkage for the Regional Trail System between Tierrasanta Boulevard right-of-way and the Mission Trails Regional Park.

c. Street reservation for the future widening of

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Mission Gorge Road adjacent to the property.

9. No grading, blasting, quarrying and related operations shall be permitted within 100 feet of the Mission Gorge Development Co. property line nor within 500 feet of a residential structure in the Tierrasanta community.

10. Within the area between Mission Gorge Road and the San Diego River, blasting will be precluded within 200 feet of the Mission Gorge Road right-of-way and within 275 feet of the northeasterly property line adjacent to the Mission Pacific residential neighborhood.

11. Within areas designated as floodplain fringe, all finished cut slopes shall be undulating and variable with no slope steeper than 2:1 ratio.

12. No filling or grading shall be conducted within the floodway of the San Diego River, nor within 300 feet of the center line of the river, until any and all permits required from Federal, State and local agencies have been obtained, and the City Environmental Quality Division has reviewed the proposed grading or filling.

13. Landscaping of the river corridor shall be exclusively with native riparian plant species such as sycamore, willows, etc., as shown on the Landscape Concept Plan.

14. Treatment of the slopes of the San Diego River shall be determined at the time precise reclamation plans are prepared. Specific slope treatments shall be chosen which enhance the riparian environment and which provide adequate flood protection.

15. Within the floodplain fringe, a combination of

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controlled and uncontrolled fill will be allowed to an elevation not to exceed 10 feet above 100-year-flood elevation, subject to the owner's acknowledging and recording with the County Recorder an agreement that uncontrolled fill and embankment is not eligible for a building permit unless special soils analysis and foundation design are submitted and approved by the City Engineer.

16. Within the rock quarry area, finished slopes without benches and steeper than 1-1/2 to 1 will be permitted upon report and certification of a soils and geologic engineer that such slopes are stable.

17. Excavation and slope stability in other areas shall be certified by a soils engineer.

18. Slope stability shall be certified by a soils engineer prior to commencement of grading or excavation operations in that area designated as "SLIDE PRONE" on Exhibit "A."

19. Continued operations shall comply with County Air Pollution Control District (APCD) regulations as contained in Permit No. 254-258-1339-1572.

20. Existing buildings, structures, machinery, equipment and facilities in the natural resources processing area designated on the plot plan as present and future plant site may be used, operated, maintained, altered, enlarged, repaired, modernized, and replaced, provided that appropriate building permits as required by appropriate governmental regulations are obtained and provided that such installations and their operations meet the requirements of Public Health, Water Quality Control, and Air Pollution Control regulations and the

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following:

a. That access and operating area roads be oiled, paved or otherwise dustproofed, and so maintained, as may be required by Air Pollution Control officer.

b. That material delivery trucks be watered or covered prior to departure from the site.

c. That dust emissions at screens, rock crushers at grading and mining areas and material transfer points be controlled by water sprays or by other equally effective dust control methods, as may be required by the Air Pollution Control officer. These operations shall also meet all noise abatement regulations.

d. That cement mix plant dusts, conveyors and elevators be operated and maintained to meet Air Pollution and Noise Abatement regulations.

e. That cement soils and weight hopper be operated and maintained to meet Air Pollution regulations.

f. That adequate water supply be provided where cement, aggregate and water are mixed and transferred into the cement mix trucks to prevent dust emissions at this point.

g. That dry cement delivery trucks be provided with dust shrouds to prevent dust emissions when unloading cement into storage bins.

h. That a cleaning area be provided for cement mix trucks to prevent accumulations of cement residue on the ground where it could be pulverized into dust by vehicular traffic.

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i. That the hot plant ducts, elevators and dust collectors be operated and maintained to meet Air Pollution and Noise Abatement regulations.

j. That the hot mix plant cyclones and wet wash scrubber be capable of limiting emissions from the exhaust stack to 40 pounds per hour maximum, as prescribed in San Diego County Air Pollution Control District rules and regulations.

k. That dust control methods be applied to any dust producing conditions which may develop and result in a nuisance from this operation, as may be determined by the Air Pollution Control officer.

l. That an adequate supply of water, approved by the San Diego Department of Public Health, be provided to effect the above dust control methods.

21. That the excavation areas shall be fenced with an acceptable security fence which shall be maintained at all times. There shall also be maintained at all times, a continuous security fence along the entire buffer area between the Tierrasanta residences and the Conditional Use Permit area.

22. Except for reasons of safety or to satisfy public requirements, all operations, excluding maintenance of trucks and equipment, conducted on the premises shall be limited to the period between 7:00 a.m. and 7:00 p.m., Monday through Friday, North of the San Diego River, and between 6:00 a.m. and 10:00 p.m., Monday through Friday, South of the San Diego River. Saturday operations shall be limited to the hours between 7:00

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a.m. and 7:00 p.m., with no activity occurring within 500 feet of residential structures. There will be no plant operations on Sunday.

23. Except for reasons of safety, blasting will be limited to the period between 12 noon and 5:00 p.m., Monday through Friday. Blasting will not be permitted on weekends.

24. All operations shall be conducted in a safe and sanitary manner, so as not to endanger damage any adjacent public or private property. Particular attention shall be paid to safeguarding the trunk sewer and water transmission main traversing this and adjoining property.

25. The Permittee, or its successors in interest, shall obtain a comprehensive policy of liability insurance which names The City of San Diego as co-insured and indemnifies the insured against claims of liability for damages to adjacent properties or the general public which result from explosions, slope failure, or flood damage which originates from, or are caused by, work on the property. The policy shall provide for a minimum property liability of $2,000,000 and a minimum personal liability of $5,000,000 and shall be carried, in force, as long as this permit is in effect.

26. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

27. The subject property shall not be used for any purposes unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

28. That the ultimate reclamation of the property be in

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accordance with the adopted Progress Guide and General Plan, and the adopted Navajo Community Plan (subject to future revisions). Reclamation shall be done in general conformance with the approved Master Reclamation Plan which will be accomplished in phases. Each phase shall be reviewed and approved by the Planning Department prior to final reclamation of subareas. The ultimate reclamation objectives are as follows:

a. In the quarry areas, the final excavation slopes will be in a condition certified by a qualified soils engineer to be stable and safe. Permanent security type fence will provide protection against public access to slope area. The floor of the quarry areas outside of the floodway of the San Diego River will be cleared of loose material and generally level.

b. In the floodplain fringe, excavated areas that are designated in the Navajo Community Plan for future light industrial use will be used as interim disposal sites for overburden and fill material generated in the processing of natural resources. This continuing fill operation will be limited to areas outside of the floodway and will be conducted in a manner that will keep all interim slopes to less than 5:1 and maximum fill elevation no greater than 10 feet above 100-year-flood elevation. Prior to performing any filling northerly of the existing private service road as shown on the site layout plan, Exhibit "A," the Permittee must have obtained approval of the City Engineer as to the location and physical configuration of the levee, dike, or embankment that will confine the floodway.

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The ultimate reclamation will have raised the elevation of future light industrial land above 100-year-flood elevation. Prior to completion of filling in any portion of the floodplain, a grading plan will be submitted for approval of the City Engineer and accomplished grading will conform to such approved plan.

c. In the floodway area, the sand excavation areas will be left as interim ponds that will be allowed to refill with sediment. The embankment, dike, or levee protecting the light industrial area will be protected by rip-rap.

d. At the time of each five-year review of the Conditional Use Permit by the Planning Commission, a precise reclamation plan, including landscaping, will be submitted for those areas in which the mining operations and interim filling operations are expected to be completed during the ensuing five-year period. An environmental analysis of the precise reclamation plans shall be completed prior to review by the Planning Commission.

29. No mining shall be permitted in the area proposed for inclusion within the Mission Trails Regional Park, unless the City fails to complete the acquisition authorized by the City Council within the first five-year review period.

30. A landscape buffer of eucalyptus trees or similar drought resistant plant material will be planted in the 100-foot buffer zone south of Tierrasanta, along the trail easement, to dampen sound and screen the quarry operation from the Tierrasanta community. In addition, a landscape buffer of

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oelander or similar drought resistant plant material will be planted on the north side of Mission Gorge Road between Princess View Drive and Margerum Avenue sufficient to screen the quarrying and processing operations from Mission Gorge Road. The latter screening will be similar to the landscape buffer that screens the Hazard operation from Friars Road.

31. All of the subject property shall be maintained at all times in a neat, orderly fashion, free of junk, litter and debris.

32. This Conditional Use Permit must be used within 18 months ater the date of City approval or the permit shall be void. An extension of time may be granted as set forth in Section 101.0506 and Section 101.0507 of the Municipal Code.

33. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

34. After establishment of the project, the property shall not be used for any other purposes unless:

a. Authorized by the Planning Commission; or

b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or

c. The permit has been revoked by the City.

35. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

36. This Conditional Use Permit is a covenant running with

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1983 CUP

the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON JUNE 14, 1983.

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1983 CUP

AUTHENTICATED BY:

_____
Mayor of The City of San Diego, California

_____
City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO)

On this _____day of _____, 19____, before me, the undersigned, A Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECOCK, known to me to be the Mayor, and CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

_____
Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee by execution hereof agrees to each and every condition of this conditional use permit and promises to perform each and every obligation of Permittee hereunder.

NOTE: NOTARY ACKNOWLEDGMENTS MUST BE ATTACHED - PER CIVIL CODE, SEC. 1180 et seq.

MISSION GORGE DEVELOPMENT CO., a California corp.

By _____

V.R. DENNIS CONSTRUCTION COMPANY, a California corp

By _____

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R-258660

1983 CUP

Passed and adopted by the Council of The City of San Diego on JUN 14 1983, by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	☑	☐	☐	☐
Bill Cleator	☑	☐	☐	☐
Gloria McColl	☑	☐	☐	☐
William Jones	☑	☐	☐	☐
Ed Struiksma	☑	☐	☐	☐
Mike Gotch	☑	☐	☐	☐
Dick Murphy	☑	☐	☐	☐
Uvaldo Martinez	☑	☐	☐	☐
Mayor Roger Hedgecock	☐	☐	☑	☐

AUTHENTICATED BY:

ROGER HEDGECOCK,
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

By Maxwell L. Pontbriand, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-258660 Adopted JUN 14 1983

CC-1276 (REV. 1-82)

00965

(R-91-776)

RESOLUTION NUMBER R-276514

ADOPTED ON SEPTEMBER 11, 1990

WHEREAS, the Environmental Health Coalition by Elizabeth Lucas, Navajo Community Planners by Ann MacCullough, and Tierrasanta Community Council by Jim Madaffer appealed the decision of the Planning Commission in reviewing and amending conditions of Conditional Use Permit No. 82-0611 (V.R. Dennis Mining Plan) which allows for a surface mining operation located on the north side of Margerum Avenue, said property is more particularly described as portions of Lots 53, 61, 62, 63 and 70, Rancho Mission of San Diego, lying northerly of Road Survey 1634, in the Tierrasanta and Navajo Community Plan areas, in the A-1-10, R-1-40 and M-1B zones; and

Resolution introducing the 1990 CUP

WHEREAS, the matter was set for public hearing on September 11, 1990, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council approves the expansion of the CUP boundaries to include the additional 170 acres identified in the Master Reclamation Plan of Conditional Use Permit No. 82-0611, pursuant to the terms and conditions set forth in said permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that this Council approves the Planning Commission's recommendation that the existing 250 acres shall be identified as Subarea A and shall be maintained pursuant to the conditions set forth in Conditional Use Permit No. 82-0611.

BE IT FURTHER RESOLVED, that the additional 170 acres shall be identified as Subarea B, and shall be maintained pursuant to conditions 4 through 6, 11 through 15, 20a and 20b, 22, 25, 28a and 28b as set forth in Conditional Use Permit No. 82-0611 with the additional condition that all equipment and material stored in Subarea B must be screened from all views and the storage facility must be reviewed by the Planning Department during the design and prior to construction or submission for a building permit and there shall be no storage of vehicles at any time.

Resolution introducing the 1990 CUP

BE IT FURTHER RESOLVED, that condition number 4 of Conditional Use Permit No. 82-0611 be modified to require the Planning Director to review all conditions on a yearly basis with the outcome of the review to be brought before the Planning Commission and properly noticed.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
04/30/91
Or.Dept:Clerk
R-91-776
Form=r.permit

R- 276514

CONDITIONAL USE PERMIT NO. 82-0611
(AMENDMENT TO CUP NO. 238-PC)
(CORRECTED PERMIT, CONDITION 22)

CITY COUNCIL

This conditional use permit is grated by the Council of The City of San Diego to MISSION GORGE DEVELOPMENT CO., a California corporation, "Owner," and V.R. DENNIS CONSTRUCTION COMPANY, a California corporation, "Permittee," for the purpose and under the terms and conditions as set out herein pursuant to the authority contained in Section 101.0506 of the San Diego Municipal Code.

1. Permission is hereby granted to Owner/Permittee to construct and operate a natural resource facility over approximately 250 acres of land identified as Subarea A and 170 acres of land identified in the Master Reclamation Plan and identified as Subarea B located on the north side of Mission Gorge Road, between the extension of Tierrasanta Boulevard and Margerum Avenue, described as portions of Lots 53, 61, 62, 63 and 70, Rancho Mission of San Diego, lying northerly of Road Survey 1634, in the A-1-10, R-1-40 and M-1B zones. All conditions as set forth in the conditional use permit shall apply to Subarea A. Conditions 4 through 6, 11 through 15, 20a and 20b, 22, 25 and 28a and 28b, only, shall apply to Subarea B.

1990 CUP

2. The natural resource facility shall include, and the term "project" as used in this conditional use permit shall mean, the total of the following facilities:

   a. Extraction, processing and storage of sand, gravel, rock, clay, decomposed granite and soils.

   b. Manufacture, production, processing and storage of asphaltic concrete, Portland cement, concrete products and clay products.

   c. Sale and distribution by truck or other conveyance of sand, gravel, rock, clay, decomposed granite and soils, and Portland cement, asphaltic concrete, concrete and clay products.

   d. Off-street parking.

   e. All structures, machinery, equipment and facilities incidental to the uses described in this paragraph.

   f. A master reclamation plan encompassing 420 acres of land to be implemented through the phased rehabilitation of excavated area.

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g. Incidental accessory uses as may be determined and approved by the Planning Director.

h. Storage and use of explosives as per California Industrial Standards.

3. This permit shall expire at midnight, June 14, 2033.

4. This permit shall be subject to review of all conditions by the Planning Director of The City of San Diego on a yearly basis. This review shall be brought before the Planning Commission for consent. The review before the Planning Commission shall be properly noticed.

5. A 420-acre master reclamation plan accompanies this conditional use permit. Precise reclamation plans shall be submitted to the City Planning Department and Development and Environmental Planning Division for review prior to final reclamation of subareas. The submittal of the phased plans should correspond with the five-year period outlined in paragraphs 4 and 28.d.

1990 CUP

6. Precise reclamation plans shall also be subject to environmental review. If deemed necessary, geotechnical studies shall be conducted in order to determine significance of potential impacts. Mitigation measures, if required, shall be implemented at the precise plan level.

7. Not less than one off-street parking space for each employee shall be provided and maintained on the subject property. Areas and driveways shall be oiled, paved, or otherwise dust-roofed, and each parking space shall be marked. parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

8. The following agreements, easements and reservations shall be granted to The City of San Diego within one year of the effective date of this permit or as otherwise approved by the City Engineer:

a. An agreement for right-of-way for the connection of Tierrasanta Boulevard with Mission Gorge Road to include sufficient areas for construction of bridge structures and slopes.

b. An easement for recreational purposes to provide public access - linkage for the Regional Trail System between Tierrasanta Boulevard right-of-way and the Mission Trails Regional Park.

c. Street reservation for the future widening of Mission Gorge Road adjacent to the property.

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9. No grading, blasting, quarrying and related operations shall be permitted within 100 feet of the Tierrasanta/CUP boundary line nor within 500 feet of any existing residential structure in the Tierrasanta community.

10. Within the area between Mission Gorge Road and the San Diego River, blasting will be precluded within 200 feet of the Mission Gorge Road right-of-way and within 275 feet of the northeasterly property line adjacent to the Mission Pacific residential neighborhood.

11. Within areas designated as floodplain fringe, all finished cut slopes shall be undulating and variable with no slope steeper than 2:1 ratio.

12. No filling or grading shall be conducted within the floodway of the San Diego River, nor within 300 feet of the center line of the river, until any and all permits required from Federal, State and local agencies have been obtained, and the City Development and Environmental Planning Division has reviewed the proposed grading or filing.

13. Landscaping of the river corridor shall be exclusively with native riparian plant species such as sycamore, willows, etc., as shown on the Landscape Concept Plan.

1990 CUP

14. Treatment of the slopes of the San Diego River shall be determined at the time precise reclamation plans are prepared. Specific slope treatments shall be chosen which enhance the riparian environment and which provide adequate flood protection.

15. Within the floodplain fringe, a combination of controlled and uncontrolled fill will be allowed to an elevation not to exceed 10 feet above 100-year-flood elevation, subject to the owner's acknowledging and recording with the County Recorder an agreement that uncontrolled fill and embankment is not eligible for a building permit unless special soils analysis and foundation design are submitted and approved by the City Engineer.

16. Within the rock quarry area, finished slopes without benches and steeper than 1 1/2:1 will be permitted upon report and certification by a soils and geologic engineer that such slopes are stable.

17. Excavation and slope stability in other areas shall be certified by a soils engineer.

18. Slope stability shall be certified by a soils engineer prior to commencement of grading or excavation operations in that area designated as "SLIDE PRONE" on Exhibit "A."

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19. Continued operations shall comply with County Air Pollution Control District (APCD) regulations as contained in Permit No. 254-258-1339-1572.

20. Existing buildings, structures, machinery, equipment and facilities in the natural resources processing area designated on the plot plan as present and future plant sites may be used, operated, maintained, altered, enlarged, repaired, modernized, and replaced, provided that appropriate building permit is as required by appropriate governmental regulation are obtained and provided that such installations and their operations meet the requirements of Public Health, Water Quality Control, and Air Pollution Control regulations and the following:

a. That access and operating area roads be oiled, paved or otherwise dust-roofed, and so maintained, as may be required by the Air Pollution Control Officer.

b. That material delivery trucks be watered or covered prior to departure from the site.

c. That dust emissions at screens, rock crushers at grading and mining areas and material transfer points be controlled by water sprays or by other equally effective dust control methods, as may be required by the Air Pollution Control Officer. These operations shall also meet all noise abatement regulations.

d. That cement mix plant dust, conveyors and elevators be operated and maintained to meet air pollution and noise abatement regulations.

e. That cement soils and weight hopper be operated and maintained to meet air pollution and noise abatement regulations.

1990 CUP

f. That adequate water supply be provided where cement, aggregate and water are mixed and transferred into the cement mix trucks to prevent dust emissions at this point.

g. That dry cement delivery trucks be provided with dust shrouds to prevent dust emissions when unloading cement into storage bins.

h. That a cleaning area be provided for cement mix trucks to prevent accumulation of cement residue on the ground where it could be pulverized into dust by vehicular traffic.

i. That the hot plant ducts, elevators, and dust collectors be operated and maintained to meet air pollution and noise abatement regulations.

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j. That the hot mix plant cyclones and wet wash scrubber be capable of limiting emissions from the exhaust stack to 40 pounds per hour maximum, as prescribed in San Diego County Air Pollution Control District rules and regulations.

k. That dust control methods be applied to any dust producing conditions which may develop and result in a nuisance from this operation, as may be determined by the Air Pollution Control Officer.

l. That an adequate supply of water, approved by the San Diego Department of Public Health, be provided to effect the above dust control methods.

21. That the excavation areas shall be fenced with an acceptable security fence which shall be maintained at all times. There shall also be maintained at all times a continuous security fence along the entire buffer area between the Tierrasanta residences and the conditional use permit area.

22. Except for reasons of safety or to satisfy public health requirements, all operations, excluding maintenance of trucks and equipment, conducted on the premises shall be limited to the following hours of operation:

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a. North of the San Diego River: 7:00 a.m. to 7:00 p.m. Monday through Friday.

b. South of the San Diego River: 6:00 a.m. to 10:00 p.m. Monday through Friday. Saturday operation permitted from 7:00 a.m. to 7:00 p.m. No Saturday activity shall occur within 500 feet of residential structures.

c. No operations shall occur north or south of the San Diego River on Sundays.

23. Except for reasons of safety, blasting will be limited to the period between 12 noon and 5:00 p.m., Monday through Friday. Blasting will not be permitted on weekends.

24. All operations shall be conducted in a safe and sanitary manner, so as not to endanger/damage any adjacent public or private property. Particular attention shall be paid to safeguarding the trunk sewer and water transmission main traversing this and adjoining property.

25. The Permittee, or its successors in interest, shall obtain a comprehensive policy of liability insurance which names The City of San Diego as co-insured and indemnifies the insured against claims of liability for damages to adjacent properties or the general public which result from explosions, slope failure, or flood damage which originates

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from, or are caused by, work on the property. The policy shall provide for a minimum property liability of $2,000,000 and a minimum personal liability of $5,000,000 and shall be carried, in force, as long as this permit is in effect.

26. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

27. The subject property shall not be used for any purposes unless specifically authorized by the Planning Commission or unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

28. That the ultimate reclamation of the property be in accordance with the adopted Progress Guide and General Plan, and the adopted Navajo Community Plan (subject to future revisions). Reclamation shall be done in general conformance with the approved Master Reclamation Plan which will be accomplished in phases. Each phase shall be reviewed and approved by the Planning Department prior to final reclamation of subareas. The ultimate reclamation objectives are as follows:

1990 CUP

a. In the quarry areas, the final excavation slopes will be in a condition certified by a qualified soils engineer to be stable and safe. Permanent security-type fence will provide protection against public access to slope area. The floor of the quarry areas outside of the floodway of the San Diego River will be cleared of loose material and generally level.

b. In the floodplain fringe, excavated areas that are designated in the Navajo Community Plan for future light industrial use will be used as interim disposal sites for overburden and fill material generated in the processing of natural resources. This continuing fill operation will be limited to areas outside of the floodway and will be conducted in a manner that will keep all interim slopes to less than 5:1 and maximum fill elevation no greater than 10 feet above 100-year-flood elevation. Prior to performing any filling northerly of the existing private service road as shown on the site layout plan, Exhibit "A," the Permittee must have obtained approval of the City Engineer as to the location and physical configuration of the levee, dike, or embankment that will confine the floodway.

The ultimate reclamation will have raised the elevation of future light industrial land above 100-year-flood elevation. Prior to completion of filling in any portion of the floodplain, a grading plan will be

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submitted for approval of the City Engineer, and accomplished grading will conform to such approved plan.

c. In the floodway area, the sand excavation areas will be left as interim ponds that will be allowed to refill with sediment. The embankment, dike, or levee protecting the light industrial area will be protected by rip-rap.

d. At the time of each five-year review of the conditional use permit by the Planning Commission, a precise reclamation plan, including landscaping, will be submitted for those areas in which the mining operations and interim filling operations are expected to be completed during the ensuing five-year period. An environmental analysis of the precise reclamation plans shall be completed prior to review by the Planning Commission.

29. No mining shall be permitted in the area proposed for inclusion within the Mission Trails Regional Park, unless the City fails to complete the acquisition authorized by the City Council within the first five-year review period.

1990 CUP

30. A landscape buffer of eucalyptus trees or similar drought-resistant plant material will be planted in the 100-foot buffer zone south of Tierrasanta, along the trail easement, to dampen sound and screen the quarry operation from the Tierrasanta community. In addition, a landscape buffer of oleander or similar drought-resistant plant material will be planted on the north side of Mission Gorge Road between Princess View Drive and Margerum Avenue sufficient to screen the quarrying and processing operations from Mission Gorge Road.. The latter screening will be similar to the landscape buffer that screens the Hazard operation from Friars Road.

31. All of the subject property shall be maintained at all times in a neat, orderly fashion, free of junk, litter and debris.

32. This conditional use permit must be used within 18 months after the date of City approval or the permit shall be void. An extension of time may be granted as set forth in Section 101.0506 and Section 101.0507 of the Municipal Code.

33. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agency.

34. After establishment of the project, the property shall not be used for any other purpose unless:

a. Authorized by the Planning Commission;

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b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or

c. The permit has been revoked by the City.

35. This conditional use permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

36. This conditional use permit is a covenant running with the lands and shall be binding upon the permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

1990 CUP

37. All equipment and materials (exclusive of a current operation) stored in Subarea B must be screened from all views. The storage facility must be reviewed by the Planning Department during the design and prior to construction or submission for a building permit. There shall be no storage of vehicles at any time.

ADOPTED by the Council of The City of San Diego on September 11, 1990.

r-91-776

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1990 CUP

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk
The City of San Diego

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

1990 CUP

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

MISSION GORGE DEVELOPMENT CO.
a California corporation
Owner

By_____

V.R. DENNIS CONSTRUCTION COMPANY
a California corporation
Permittee

By_____

NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq.
Form=p.ack

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341

Passed and adopted by the Council of The City of San Diego on SEP 11 1990,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	☑	☐	☐	☐
Ron Roberts	☑	☐	☐	☐
John Hartley	☑	☐	☐	☐
H. Wes Pratt	☑	☐	☐	☐
Linda Bernhardt	☑	☐	☐	☐
J. Bruce Henderson	☑	☐	☐	☐
Judy McCarty	☑	☐	☐	☐
Bob Filner	☑	☐	☐	☐
Mayor Maureen O'Connor	☑	☐	☐	☐

AUTHENTICATED BY:

MAUREEN O'CONNOR,
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

By Maureen L. Abdelnour, Deputy.

1990 CUP

Office of the City Clerk, San Diego, California

Resolution Number R-276514 Adopted SEP 11 1990

CC-1276 (Rev. 11-89)

San Diego City Council minutes for CUP 82-0611 Amended 9-11-90

https://docs.sandiego.gov/councilminutes/1990/min19900911rg.pdf

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 11, 1990 AT 9:00 A.M.IN THE COUNCIL CHAMBERS - 12TH FLOOR

ITEM-341: (R-91-776) ADOPTED AS RESOLUTION R-276514 GRANT APPEAL, GRANT PERMIT AS AMENDED

19900-9-11

A position 'In Favor' of this appeal is a position against the project.
A position 'Opposed' to this appeal is a position in favor of the project.
Appeals of Environmental Health Coalition by Elizabeth Lucas; Navajo Community Planners by Ann MacCullough; and Tierrasanta Community Council by Jim Madaffer
from the decision of the Planning Commission in reviewing and amending conditions of Conditional Use Permit CUP-82-0611 (V.R. Dennis Mining Plan) which allows for a surface mining operation.

The subject property is located on the north side of Margerum Avenue in the A-1-10, R-1-40 and M-lB Zones, in the Tierrasanta and Navajo Community Plan areas, and is more particularly described as portions of Lots 53, 61, 62, 63 and 70, Rancho Mission of San Diego, lying northerly of Road Survey 1634.
(CUP-82-0611. District- 7 .)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.
FILE LOCATION: PERM - CUP-82-0611

COUNCIL ACTION:
(Tape location: D046-E092.)
Hearing began at 2:03 p.m. and halted at 2:48 p.m.
Testimony in favor of the appeal by Carolyn Warner and Linda Sata.
Testimony in opposition of the appeal by Gary Dennis and Franne Ficara.

MOTION BY McCARTY TO APPROVE THE CITY MANAGER RECOMMENDATIONS

EXPAND THE CUP TO INCLUDE THE RECLAMATION AREA.

APPROVE RECOMMENDATION NO. 2 BY STAFF TO MAINTAIN THE EXISTING CUP CONDITIONS IN SUBAREA A, APPLYING THE FOLLOWING APPLICABLE CONDITIONS OF THE EXISTING CUP TO SUBAREA B, 46, 11, 15, 20A&B, 22, 25, 27A&B, AND THE CONDITION APPLICABLE TO SUBAREA B ONLY, THAT SAYS, "ALL EQUIPMENT AND MATERIAL STORED IN SUBAREA B MUST BE SCREENED FROM ALL VIEWS. THE STORAGE FACILITY MUST BE REVIEWED BY THE PLANNING DEPARTMENT DURING THE DESIGN AND PRIOR TO CONSTRUCTION OR SUBMISSION FOR A BUILDING PERMIT AND THERE SHALL BE NO STORAGE OF VEHICLES AT ANY TIME."

MODIFY CONDITION 4 OF THE EXISTING CUP TO REQUIRE PLANNING DIRECTOR REVIEW OF ALL CONDITIONS ON A YEARLY BASIS. THE OUTCOME OF THIS REVIEW WOULD BE BROUGHT BEFORE THE PLANNING COMMISSION AND IT WOULD BE PROPERLY NOTICED.
MOVE THAT THIS BE SENT TO MEDIATION AND THAT A COMMUNITY GROUP MEETING BE HELD.

THIS GROUP WILL CONSIST OF MR. DENNIS AND HIS REPRESENTATIVE, THE TWO COMMUNITIES--NORTH AND SOUTH OF THE RIVER, AND AN ENVIRONMENTAL HEALTH COALITION. A REPRESENTATIVE OF THE PLANNING DEPARTMENT SHOULD BE INCLUDED, ALONG WITH THE CITY ATTORNEY TO MAKE SURE THAT ENVIRONMENTAL DAMAGE IS NOT DONE.

STAFF IS DIRECTED TO SET UP THE MEDIATION TO TAKE PLACE WITHIN 90 DAYS. COME BACK TO PLANNING WITH A SOLUTION. IF NO SOLUTION IS ARRIVED AT, THEN BRING THE MATTER BACK TO COUNCIL. ENFORCEMENT COULD BE ONE OF THE SUBJECTS OF MEDIATION.

THE ANNUAL REVIEW SHOULD INCLUDE THIS COMMITTEE SO THAT THE COMMUNITY AND MR. DENNIS COULD STAY INVOLVED.

MOVE TO GRANT THE APPEAL AND IMPOSE THE CONDITIONS. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Planning Commission Docket

Planning Commission
Mark Steele, Chairperson
William Anderson, Vice Chairperson
Patricia Butler
Verna Quinn
Andrea Skorepa
David Watson
Frisco White

September 25, 1997

1994 • LG

Council Chambers • City Administration Building • 202 C Street, 12th Floor, San Diego, CA 92101 • (619) 236-6596

SAN DIEGO PLANNING COMMISSION
DOCKET FOR PLANNING COMMISSION MEETING
SEPTEMBER 25, 1997
IN COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING
9:00 A.M.

NOTE: *If a Sign Language Interpreter, aids for the visually impaired, or Alternative Listening Devices (ALD's) are required, please contact the Planning Department at 236-6596 at least five (5) working days prior to the meeting to insure availability. Those items with an asterisk (*) will include consideration of the appropriate environmental document.*

ITEM-1: **ANNOUNCEMENTS/PUBLIC COMMENT** - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD. REQUEST TO SPEAK SHOULD BE SUBMITTED TO THE COMMISSION SECRETARY AT THE TIME OF THE MEETING. **NOTE:** 3 MINUTE TIME PER SPEAKER.

ITEM-2: **REQUESTS FOR CONTINUANCE FOR MORNING ITEMS**.

ITEM-3: **DIRECTOR'S REPORT.**

ITEM-4: **COMMISSION COMMENT.**

ITEM-5: **APPROVAL OF MINUTES OF SEPTEMBER 11, 1997.**

ITEM-6: **V. R. DENNIS - FIVE YEAR REVIEW**
City Council District: 07; Plan Area: Navajo

PLANNER: Patrick Hooper, Development Services

CUP 82-0611 Five Year Review. Required five year review of the V. R. Dennis Company gravel extraction operation. This is an information item only. There is no required action to be taken today; however should it be determined that there is any discrepancy with the permit, a hearing date will be set for a later noticed hearing.

Also see below

ITEM-7: ***GTE HOLLISTER**
City Council District: 08; Plan Area: San Ysidro

PLANNER: Terri Bumgardner, Development Services

DATE ISSUED: September 18, 1997 REPORT NO. P-97-156

ATTENTION: Planning Commission, Agenda of September 25, 1997.

SUBJECT: V.R. DENNIS - CONDITIONAL USE PERMIT (CUP) 82-0611 FIVE-YEAR REVIEW TO DETERMINE IF THE SAND AND GRAVEL OPERATION OF THE V. R. DENNIS MINING COMPANY LOCATED AT IS OPERATING WITHIN THE TERMS AND CONDITIONS OF THE CUP. THIS IS AN INFORMATIONAL ITEM ONLY.

REFERENCE: .

OWNER/
APPLICANT: V. R. Dennis Construction Company

SUMMARY:

Issue(s): Should the Planning Commission determine that the V.R. Dennis sand and gravel extraction facility is operating within the terms and conditions of the CUP and, do existing CUP conditions need to be modified or conditions added to ensure that the continued operation of the facility will not adversely impact the surrounding area?

City Manager's Recommendation: Allow for the continued use of the sand and gravel facility provided that the V.R. Dennis Company diligently pursue the clean up program (Attachment 2) for that portion of the subject property adjacent to the San Diego River.

Community Planning Group Recommendation: The Neighborhood (MOU) Advisory Committee has continued to meet on a bi-annual basis with representatives from the V.R. Dennis Company, Council District 7 and city staff. There have been no unresolved issues or reported violations during this review cycle and the Advisory Committee continues to support the on-going operation of the CUP. No modifications or additional conditions have been recommended.

Other Recommendations: None.

Environmental Impact: None.

Fiscal Impact: None.

Code Enforcement Impact: None.

Housing Affordability Impact: None.

BACKGROUND:

The City Council, on June 14, 1983, granted Conditional Use Permit Amendment No. 82-0611 to allow for the operation of a natural resource facility located at 7007 Mission Gorge Road in the Navajo Community Plan Area. Condition number four of the CUP requires that the approved permit be subject to a review of all conditions by the Planning Commission of the City of San Diego at approximately five year intervals.

The purpose of the periodic review is to determine if the facility is operating in conformance to the approved permit and to modify and add permit conditions as necessary to ensure the continued coexistence of the V.R. Dennis Company and the surrounding neighborhoods. To that extent an advisory committee was formed to monitor the complaints and work with members of the V.R. Dennis Company. Members of the advisory committee include representatives from Council District Seven, the V. R. Dennis Company, city staff and surrounding neighborhood community groups.

DISCUSSION:

The V. R. Dennis Conditional Use Permit has been effective since June 14, 1983, allowing for the extraction of natural resources from an approximately 250 acre site. The CUP was amended in August , 1991 when a mediation program established a Memorandum Of Understanding (MOU) and formed the Neighborhood MOU Advisory Committee. During the latest review cycle the MOU Committee have not registered any complaints or violations against the operation of the facility.

Development Services staff conducted a site inspection of the facility in July, 1997 as part of the five year review period. Although no official complaints have been filed against the facility, staff sited several violations relative to improper storage and screening practices of unused and derelict equipment. Prior to scheduling Planning Commission review of the CUP, staff contacted the V. R. Dennis Company and representatives of the MOU Committee to alert them of these violations. Since that time, the V.R. Dennis Company conducted there own site inspection and has agreed with staff that permit conditions regarding the proper storage of out-of-service equipment and screening were not being met.

Representatives from the V. R. Dennis Company and Development Services staff met on the site in September, 1997 and determined what portion of the equipment was no longer serviceable and would be removed and how the remaining equipment would be stored on the property so as to not constitute a violation of the CUP. Since that time, the V. R. Dennis Company has removed or relocated much of the equipment in question. However, due to the nature of some of the items identified for disposal, the V. R. Dennis Company has contracted with outside vendors to remove some of the larger equipment and has requested the city grant them a period of 90 days to facilitate these arrangements.

Conclusion:

Over the last several years the V. R. Dennis Company has operated the natural resource facility without serious violations or complaints from the surrounding neighborhoods. When issues have arisen, the company has resolved these minor disputes through the MOU Committee and has generally been a very good neighbor in the community. The V. R. Dennis Company has worked with city staff to resolve the issues of storage and screening of equipment and has diligently pursued a comprehensive clean up effort on the site. The Neighborhood MOU Committee will continue to meet bi-annually to ensure future compliance with the CUP. Therefore, the City Manager recommends that the Planning Commission allow the continued operation of the facility with no new or modified conditions to Conditional Use Permit No. 82-0611.

ALTERNATIVES:

1. Set this matter for a noticed public hearing to modify or add new permit conditions.

Respectfully submitted,

GARY HALBERT
Deputy Director Development Services

LINDA M. JOHNSON
Principal Planner Development Services

JPH:HOOPER:236-6956:avl/vrdennis.pr

ATTACHMENTS:

1. Project Location Map
2. Project Site Plans
3. Conditional Use Permit 82-0611

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
SEPTEMBER 25, 1997
IN COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Commissioner White at 9:07 a.m. Chairperson Steele adjourned the meeting at 2:45 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Mark Steele-present
Vice-Chairperson William Anderson-present
Commissioner Patricia Butler-present
Commissioner Verna Quinn-not present
Commissioner Andrea Skorepa-present
Commissioner David Watson-present
Commissioner Frisco White-present
Betsy McCullough, Community Planning & Development Manager-present
Rick Duvernay, Deputy City Attorney-present
Tina Christiansen, DSD Director-not present
Gary Halbert, Deputy Director, DSD-present
Rob Hawk, Engineering Geologist, DSD-present
Linda Lugano, Recorder-present

ITEM-1: **ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD.**

Gary Ruyle, American Society of Landscape Architects inquired as to the process and implementation of the Street Design Manual. Staff was directed to docket a workshop with Community Planning and Development Services to review the Street Design Manual and other ordinances and policies, including the City's General Plan policies and provide the Commission with a matrix and a fair objective evaluation to advise if there are conflicts. Staff to docket a workshop within the next two months.

ITEM-2: **REQUESTS FOR CONTINUANCE FOR MORNING AGENDA ITEMS.**

Staff requested that Item No. 6, V.R. Dennis be continued at the request of the Navajo Community Planning Group.

ITEM-3: **DIRECTOR'S REPORT.**

Gary Halbert provided the organizational chart for the Development Services Department. It will be distributed in the Commission's packets for discussion at the next schedule meeting.

ITEM-4: **COMMISSION COMMENT.**

Chairperson Steele advised that he and Vice-Chairperson Anderson went before the LU&H Committee on Wednesday, September 24, 1997 during which time the Committee discussed a proposal for the General Plan's update work plan. They discussed Citizen's Participation Models as represented in the City Manager's report, and how the Planning Commission could be the forum for public participation and recommendations. A workshop has been docketed for October 9, 1997 for the first discussion on this matter.

Commissioner Skorepa requested that the Commission send a letter to LU&H thanking them for supporting the Planning Commission in its endeavor to serve the City. It was also stated that this is absolutely appalling that something of this magnitude would go to the LU&H Committee without first coming before the Planning Commission.